

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

v.

This Document Relates To:

All Cases

MDL No. 2419

Master Docket: 1:13-md-2419-RWZ

**LIBERTY INDUSTRIES, INC.'S MOTION TO SCHEDULE ORAL ARGUMENT ON
A CERTAIN MOTION FOR STATUS CONFERENCE ON DECEMBER 4, 2014**

Liberty Industries, Inc. ("Liberty") hereby moves the Court to schedule oral argument on the following motion during the status conference to be held on December 4, 2014 commencing at 2:00 p.m.:

1. Plaintiffs' Steering Committee's ("PSC") Rule 56(d) Response to Liberty's Omnibus Motion for Summary Judgment in Cases Filed by Plaintiffs Injected in Indiana [Dkt. No. 1518].

a. PSC's Notice of Filing of Declaration [Dkt. No. 1519].

b. Liberty's Opposition [Dkt. No. 1544].¹

WHEREFORE, Liberty respectfully requests that the Court enter the attached Order Scheduling Oral Argument.

¹ The PSC did not file an opposition to Liberty's Omnibus Motion for Summary Judgment in Cases Filed by Plaintiffs Injected in Indiana [Dkt. Nos. 1471, 1472] or Liberty's Motion for Summary Judgment in *Lambert* [Lambert Dkt. Nos. 29, 30], and therefore, there is no need for oral argument on those motions. Should the Court deny the PSC's Rule 56(d) Response [Dkt. No. 1518], Liberty's motions for summary judgment should be allowed without oral argument.

Respectfully submitted,
LIBERTY INDUSTRIES, INC.,
By its attorneys,

/s/ Peter G. Hermes

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Dated: November 26, 2014

CERTIFICATE OF SERVICE

Pursuant to Local Rules 5.2(b)(2) and 5.4 of the Local Rules of the United States District Court for the District of Massachusetts, I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent by first-class mail to those indicated as non-registered participants, if any, on November 26, 2014.

/s/ Peter G. Hermes

Peter G. Hermes